

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:23-cv-00103-JRG-RSP

JURY TRIAL DEMANDED

JOINT NOTICE REGARDING ADDITIONAL AGREEMENTS

Plaintiff Headwater Research LLC (“Headwater”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”) file this Joint Notice Regarding Additional Agreements:

1. To resolve Samsung’s MIL No. 1, the parties stipulate to the following: A party shall not present evidence, testimony, or argument that another party’s fact witness has not read the patents-in-suit or formed opinions regarding the patents-in-suit unless the witness was designated on such topics or if a given witness gives testimony at trial regarding those topics; and shall not present any argument, evidence, or testimony suggesting that a party’s corporate representative at trial is obligated to prepare on any particular topic or is charged with knowledge of others within the company unless said representative was previously designated as a 30(b)(6) witness on said topic.

2. To resolve Headwater’s MIL No. 1, Samsung stipulates to the following: Samsung stipulates to not present evidence or argument regarding any alleged breach of ethical or fiduciary

duties, allegations of improper shifting of funds, embezzlement, threats, or violations of Bar rules, including in the context of determining an appropriate damages amount. Samsung further stipulates (1) not to introduce testimony, evidence, or argument regarding the amount of offers from Qualcomm or Fortress, and (2) not to offer speculation as to why the InterDigital Letter of Intent was not consummated. To be clear, Samsung understands this stipulation to permit full discussion and use of other evidence relating to the InterDigital Letter of Intent.

3. To resolve the parties' dispute regarding the procedure for playing deposition video clips of witnesses testifying in Korean (*see* Dkt. 280, at 18), the parties stipulate to the following: The parties agree that for any translated depositions, the jury will be shown the question in English, the answer in Korean, and the translation of the answer in English, and the time to play all of those will be attributed to the party who designated, or counter-designated, that particular testimony.

4. Parties have reached agreement on stipulations regarding representative products and will provide the language of those stipulations for inclusion in the juror notebooks for trial, pursuant to the Court's instructions during the December 16, 2024 initial pre-trial conference.

Dated: December 18, 2024

Respectfully submitted,

By: /s/ Marc Fenster

By: /s/ Melissa R. Smith

Marc Fenster
CA State Bar No. 181067
Reza Mirzaie
CA State Bar No. 246953
Brian Ledahl
CA State Bar No. 186579
Ben Wang
CA State Bar No. 228712
Adam Hoffman
CA State Bar No. 218740

Ruffin B. Cordell
TX Bar No. 04820550
Michael J. McKeon
DC Bar No. 459780
mckeon@fr.com
Jared Hartzman (*pro hac vice* forthcoming)
DC Bar No. 1034255
hartzman@fr.com
FISH & RICHARDSON P.C.
1000 Maine Avenue, SW, Ste 1000

Paul Kroeger
CA State Bar No. 229074
Neil A. Rubin
CA State Bar No. 250761
Kristopher Davis
CA State Bar No. 329627
James S. Tsuei
CA State Bar No. 285530
Philip Wang
CA State Bar No. 262239
Amy Hayden
CA State Bar No. 287026
Dale Chang
CA State Bar No. 248657
James Milkey
CA State Bar No. 281283
Jason M. Wietholter
CA State Bar No. 337139
James Pickens
CA State Bar No. 307474
Qi (Peter) Tong
TX State Bar No. 24119042
RUSS AUGUST & KABAT
12424 Wilshire Blvd. 12th Floor
Los Angeles, CA 90025
Telephone: 310-826-7474
rak_headwater@raklaw.com

Andrea L. Fair
TX State Bar No. 24078488
MILLER FAIR HENRY PLLC
1507 Bill Owens Parkway
Longview, Texas 75604
Telephone: 903-757-6400
andrea@millerfairhenry.com
Attorneys for Plaintiff,
Headwater Research LLC

Washington, D.C. 20024
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

Thad C. Kodish
GA Bar No. 427603
tkodish@fr.com
Benjamin K. Thompson
GA Bar No. 633211
bthompson@fr.com
Jonathan B. Bright
GA Bar No. 256953
jbright@fr.com
Nicholas A. Gallo
GA Bar No. 546590
gallo@fr.com
Steffen Lake (*pro hac vice forthcoming*)
GA Bar No. 512272
lake@fr.com
Vivian C. Keller (admitted *pro hac vice*)
GA Bar No. 651500
keller@fr.com
Noah C. Graubart
GA Bar No. 141862
graubart@fr.com
Sara C. Fish
GA Bar No. 873853
sfish@fr.com

FISH & RICHARDSON P.C.
1180 Peachtree St. NE, Fl. 21
Atlanta, GA 30309
Telephone: (404) 892-5005
Facsimile: (404) 892-5002

Leonard E. Davis
TX Bar No. 05521600
ldavid@fr.com
Andria Rae Crisler
TX Bar No. 24093792
crisler@fr.com
Thomas H. Reger II
Texas Bar No. 24032992
reger@fr.com
FISH & RICHARDSON P.C.
1717 Main Street, Suite 5000
Dallas, TX 75201

Telephone: (214)747-5070
Facsimile: (214) 747-2091

John-Paul R. Fryckman (*pro hac vice*)
CA Bar No. 317591
John W. Thornburgh
CA Bar No. 154627
thornburgh@fr.com
FISH & RICHARDSON P.C.
12860 El Camino Real, Ste. 400
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Katherine D. Prescott (*pro hac vice*)
CA Bar No. 215496
prescott@fr.com
FISH & RICHARDSON P.C.
500 Arguello Street
Suite 400
Redwood City, CA 94063
Telephone: (650) 839-5180
Facsimile: (650) 839-5071

Kyle J. Fleming (*pro hac vice*)
NY Bar No. 5855499
kfleming@fr.com
FISH & RICHARDSON P.C.
7 Times Square, 20th Floor,
New York, NY 10036
Telephone: (212) 765-5070
Facsimile: (212) 258-2291

Melissa R. Smith
State Bar No. 24001351
Melissa@gillamsmithlaw.com
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

Michael E. Jones
State Bar No. 10929400
mikejones@potterminton.com
Shaun W. Hassett
State Bar No. 24074372

shaunhassett@potterminton.com

POTTER MINTON, P.C.

102 N. College Ave., Suite 900

Tyler, Texas 75702

Tel: (903) 597-8311

Fax: (903) 593-0846

Lance Lin Yang

**QUINN EMANUEL URQUHART & SULLIVAN,
LLP - LA**

865 S. Figueroa Street, 10th Floor

Los Angeles, CA 90017 USA

213/443-3000 Fax: 213/443-3100

Lanceyang@quinnemanuel.Com

Jon Bentley Hyland

Texas Bar No. 24046131

jhyland@hilgersgraben.com

Grant K. Schmidt

Texas Bar No. 24084579

gschmidt@hilgersgraben.com

HILGERS GRABEN PLLC

7859 Walnut Hill Lane, Suite 335

Dallas, Texas 75230

Telephone: (972) 645-3097

Attorneys for Defendants,

Samsung Electronics Co., Ltd. and

Samsung Electronics America, Inc.

CERTIFICATE OF CONFERENCE

Counsel for Plaintiff and counsel for Defendants have complied with the meet and confer requirements of Local Rule CV-7(h). The parties agree in the filing of this Joint Notice Regarding Agreements.

/s/ Marc Fenster

Marc Fenster

CERTIFICATE OF SERVICE

I certify that on December 18, 2024 counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Marc Fenster

Marc Fenster